

Polk County
Planning Commission
July 22, 2016

Call to Order: 9:00 A.M.

Members in Attendance: Mike Powers, Donovan Wright, Robert Franks, Rolland Gagner, Courtney Pulkrabek, Paul Jore, Wayne Melbye, Arlet Phillips, Len Vonasek, and Warren Strandell.

Members Absent: Don Diedrich and Dennis Yell.

Also Present: Polk County Environmental Services' staff: Josh Holte & Aly Bergstrom
Landowners: Robert Klave, Alan Melvie, Mitch Johnson

Minutes: A motion was made by Jore to approve the Planning Commission minutes from June 24, 2016. Second by Vonasek. All in favor.

Public Hearing: CUP David Rock Parcel #32.00221.01

Powers read the notice, waiving the full legal description, and turned the hearing over to Holte.

Holte stated that the applicant is requesting a Conditional Use Permit (CUP) to construct a 16' by 28' addition to an existing accessory structure that will bring the total square footage of the accessory structure to 1,568 sq. ft. on a riparian lot located less than 300 feet from the OHW in the Shoreland District.

Holte read the PCZO Section 18.2225 F that pertains to this request.

Holte went over the pertinent facts and stated that the applicant owns a riparian lot on Ulland's Bay on Maple Lake. The lot is 45,920 sq. ft. The applicant would like to build a 16' x 28' addition onto the existing 1,120 sq. ft. shed for a total of 1,568 sq. ft. The applicant will need to get a passing septic compliance submitted before the building permit application is approved. The applicant received a CUP for the original shed in 2002. The structure addition is proposed to be approximately 185 feet from the OHW. The existing structure is 20' from the right of way and 10' from the property line. The applicant currently has an 8' x 12' shed and a small gazebo (~8' x 8') on the property.

Holte said that the MN DNR submitted comments toward this request. Stephanie Klamm, DNR Area Hydrologist, stated that if the County approves this application the DNR would recommend the following conditions:

1. Not allow more than 25% of a lot covered by impervious surface with the new accessory structure or future buildings.
2. The accessory structure meets all requirements of the Polk County Shoreland Ordinance.
3. The accessory structure meets the height restrictions of 15 feet unless a variance request is approved.
4. No living or sleeping quarters or kitchen facilities shall be added to the structure in the future.

Holte then went over slides showing the application, site location and site photos. Staff is recommending approval of the CUP with the following conditions:

1. The applicant shall submit a passing septic compliance inspection before the building permit is issued.
2. No future development shall be allowed on the lot that would exceed the 25% impervious surface requirement. (This shall include sidewalks, patios, pavers, etc.)
3. The applicant shall maintain adequate vegetative screening between the 1,568 structure and the OHW for Maple Lake.
4. The small 8' by 12' shed shall be removed by 7/26/2017, and the applicant shall be limited to a maximum of two accessory structures on the property with a maximum total square footage of 1,600 sq. ft.

Powers asked for clarification on what the addition would be used for. Holte stated that it would be for additional storage.

Wright made a motion to recommend approval of the CUP with staff conditions to the County Board. Second by Vonasek. All in favor.

Holte said that this will go before the County Board for final approval on Tuesday July 26, 2016.

Old/New Business:

Holte informed the Planning Commission that Dennis Yell has resigned from his position as he is going through pancreatic cancer. A replacement to represent the Maple Lake will need to be obtained. Holte has already run this by the Maple Lake Improvement District. Mike Schulz has expressed interest in the position. Holte will bring the nomination to the County Board for final approval. If all goes well, the Planning Commission will have a full board by the next meeting.

Holte stated that there are no finalized ordinance updates yet. He is hoping to do some more research on how to state some of the proposed changes.

Public Hearing: CUP Robert & Janelle Klave Parcel #74.00661.00

Powers read the notice, waiving the full legal description, and turned the hearing over to Holte.

Holte stated that the applicants are requesting a Conditional Use Permit (CUP) to hook a new septic system to an accessory structure located on their backlot on Maple Lake.

Holte read the PCZO Section 18.2225 E that pertains to this request.

Holte went over the pertinent facts and stated that the applicants own a riparian and non-riparian lot on Maple Lake. The total lot size is 28,153.11 square feet. The riparian lot is 11,353.11 square feet. The backlot is 16,800 square feet. The applicants' riparian lot contains a house and small shed. There are currently no structures on the backlot. The applicants plan to build a new 40' x 50' (2,000 square foot) shed/shop. The shed will meet all the setbacks and ordinance requirements. The applicants would like to connect the new structure to a new septic system that will also be designed for a future new house on the riparian lot. The new septic system will meet all setbacks and the applicants will be required to submit a new septic design before the building permit is issued. The applicants will be required to either connect their existing or new house to the new septic system within two years or will be required to submit a passing compliance inspection for the septic system serving the house on the riparian lot. The applicants will be required to complete and record a no guesthouse waiver before the building permit is issued.

Holte said that the MN DNR submitted comments toward this request. Stephanie Klamm, DNR Area Hydrologist, stated that if the County approves this application the DNR would recommend the following conditions:

1. No living/sleeping quarters or kitchen facilities shall be added to the structure in the future.
2. Not allow more than 25% of a lot covered by impervious surface with the new accessory structure or future buildings.
3. The accessory structure meets all setback requirements of the Polk County Shoreland Ordinance.
4. The accessory structure meets the height restrictions for non-riparian parcels.
5. Future buildings on the riparian or non-riparian parcels, meet all setbacks, height restrictions and impervious surface coverage of 25% (this may mean future projects only allow pervious pavers).

Holte then went over slides showing the application, site location and site photos. Staff is recommending approval of the CUP with the following conditions:

1. No guest house uses – applicant shall have furnished evidence of having recorded the signed guest house waiver with the property deed before the building permit is issued.
2. No future development shall be allowed on the parcel that would exceed the 25% impervious surface requirement without first obtaining a variance. (This shall include sidewalks, patios, pavers, etc.)

3. The applicants will be required to either connect their existing house or any permitted new house to the new septic system before 7/26/2018 or will be required to submit a passing septic compliance inspection for the septic system serving the house on the riparian lot.

Powers asked if the neighbor's shed is located on the Klave property. Robert Klave stated that it looks like it is on the map, but he is sure it is not. Klave will be having the property surveyed by Widseth Smith Nolting next week to verify property lines.

Pulkrabek asked if the structure on the adjacent backlot is housing. Holte said that it is supposedly used for storage and a game room.

Vonasek asked Klave if he has any concern about the proposed septic system being located so far from the residence. Klave said that he is not worried about it. His neighbor has a system that is situated in a similar way, and he has never had any issues with it. The supply line from the tank to the drainfield is directionally bored deep enough to avoid any issues with freezing.

Gagner asked if the new house is planned to be constructed within two years. Klave said that the plan will probably be to construct a new house within three years. If the house is constructed later than two years, the existing house will be hooked into the new system.

Gagner made a motion to recommend approval of the CUP with staff conditions to the County Board. Second by Franks. All in favor.

Holte said that this will go before the County Board for final approval on Tuesday July 26, 2016.

Public Hearing: CUP Alan Melvie Parcel #01.00071.02

Powers read the notice, waiving the full legal description, and turned the hearing over to Holte.

Holte stated that the applicant is requesting a Conditional Use Permit (CUP) to construct a 36' by 60' addition onto an accessory structure, which will exceed the 2,500 square foot maximum on a 2.09 acre parcel of land located in the Agricultural Zoning District of Andover Township.

Holte read the PCZO Sections 13.4220 and 13.7000 that pertain to this request.

Holte went over the pertinent facts and stated that the applicant owns a 2.09 acre parcel of land in the Agricultural Zoning District in Section 14 of Andover Township. The applicant would like to complete the addition to put trucks in. The current building is not large enough. Some work began prior to the application, so the building permit will be treated as an after the fact permit. The proposed building will meet setbacks. There are trees planted along the north and west property lines that provide screening. With the proposed addition the total building size would be 113' by 36' (4,068 sq. ft.). Andover Township has joint permitting with the County, and has signed off on their permit request.

Holte stated that no comments have been received regarding this request.

Holte then went over slides showing the application, site location and site photos. Staff is recommending approval of the CUP with the following condition:

1. The applicant must not store more than 5 unlicensed vehicles, trailers or equipment outside a building on the property, and must meet all requirements of 12.7000 of the Polk County Zoning Ordinance.

Powers opened the hearing for questions or comments.

Melvie said he apologizes for not obtaining a permit in the first place. He grew up in Viking, MN, but should have known to get a building permit before starting construction. Melvie said he is just hoping to gain additional storage to be able to put his semi-trucks away.

Gagner asked if the applicant lives in the house on the lot. Melvie said he does.

Gagner asked if the applicant farms the land around the 2.09 acre parcel. Melvie said he does not. He hauls wheat and beets.

Jore asked for clarification on the permitting process since Andover Township also participates in permitting. Holte said that Andover Township requests to sign off on the Polk County permit applications, but the County has final approval once the Township approves a request.

Gagner asked how many trucks would fit once the project was completed. Melvie said there would be room for three semi-trucks. Right now there is not enough room to fit one truck.

Pulkrabek made a motion to recommend approval of the CUP with staff conditions to the County Board. Second by Melbye. All in favor.

Holte said that this will go before the County Board for final approval on Tuesday July 26, 2016.

Public Hearing:

CUP

Mitch Johnson

Parcel #71.00055.00

Powers read the notice, waiving the full legal description, and turned the hearing over to Holte.

Holte stated that the applicant is requesting a Conditional Use Permit (CUP) to operate a home based business in an accessory structure on a parcel of land located in the Agricultural Zoning District of Vineland Township.

Holte read the PCZO Sections 13.7020, 13.4240, 13.4300, and 12.3048 that pertain to this request.

Holte went over the pertinent facts and stated that the applicant wishes to build a 72' by 120' (8,640 square foot) cabinetry shop with living quarters on a 12.3 acre parcel of land in the Agricultural Zoning District in Section 15 of Vineland Township. A CUP is required for this type of home based business because of the size of the proposed building. The structure would have a 16' by 60' second-story dwelling within the structure. There would be a 60' by 72' garage area and a 60' by 72' shop area. The property is located on the Red River, but the building site is located outside of the 100-year Floodplain and Shoreland Districts. An elevation certificate was obtained for the new structure and the new structure will be built approximately six feet above the 100-year base flood elevation.

There is a previously existing septic system located on the property from a previous house. The applicant plans to tie into this existing septic system and a certificate of compliance has been received from Allyn Roley. According to the septic design a new septic tank will need to be installed, and the applicant will be required to obtain a septic permit for the new tank.

The applicant has submitted a brief operational plan. Riverwood Custom Cabinetry will have two full time employees with 8-5pm working hours. There will be no toxic chemicals disposed of. This site will be used for production only, and not for sales. There will be no additional advertising located on site. Parking will be on a gravel pad in front of the shop. The proposed structure would meet all setbacks.

Holte said that the MN DNR submitted comments toward this request. Stephanie Klamm, DNR Area Hydrologist, stated:

“I will not have any comments on the CUP request by Mitch Johnson for the home-based business in accessory structure. According to the new preliminary maps, the building will be out of the regulatory floodplain, though it may be a good recommendation that the lower level be flood proof in case something catastrophic happens. Please make sure that all the Ordinance requirements are followed for his request and setbacks are met.”

Holte then went over slides showing the application, site location and site photos. Staff is recommending approval of the CUP with the following conditions:

1. The operation shall at all times be in compliance with all federal, State of Minnesota, and County of Polk rules and regulations.
2. A septic system permit must be applied for before the building permit for the structure may be issued.
3. All activities must be conducted in accordance with the approved plan of operations.
4. All goods and equipment used in conjunction with the home based business shall be stored indoors.

Powers opened the hearing for questions or comments.

Vonasek asked the applicant what type of construction the structure will consist of. Johnson said the building will be a pole shed. Vonasek asked how that type of building will take the weight of a second story. Johnson replied that the frame will consist of thicker poles. Vonasek asked Holte if this meets the requirements of living quarters. Holte said that it is sufficient for the requirements of the Polk County Zoning Ordinance since the building code is not addressed. Vonasek still expressed concern about the soundness of this type of construction. Johnson did not seem too worried about it because it will have a concrete floor with 4' center poles driven 5-6 feet underground.

Gagner asked the applicant how tall the proposed structure would be. Johnson said it will be 26' tall throughout.

Johnson explained that he has a 40' by 75' shop now with a similar layout. He has not had any issues with that structure.

Gagner asked the applicant if he would be conducting any sales out of this business. Johnson said he does not plan on doing any sales. He plans to work strictly through contractors to provide cabinetry for them.

Wright asked the applicant how many years he has been in the cabinetry business. Johnson said that he has been building cabinets for about 25 years, and has been in this business since 2005.

Jore made a motion to recommend approval of the CUP with staff conditions to the County Board. Second by Pulkrabek. All in favor.

Holte said that this will go before the County Board for final approval on Tuesday July 26, 2016.

Next meeting is set for August 26, 2016. Powers adjourned the meeting at 10:10 a.m.